

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CITY OF HUNTINGTON,**

**Plaintiff,**

**Civil Action No. 3:17-01362**

**v.**

**AMERISOURCEBERGEN DRUG  
CORPORATION, et. al,**

**Defendants.**

**AND**

**CABELL COUNTY COMMISSION,**

**Plaintiff,**

**Civil Action No. 3:17-01665**

**v.**

**AMERISOURCEBERGEN DRUG  
CORPORATION, et. al,**

**Defendants.**

**NON-PARTY BILL J. CROUCH'S  
MOTION TO QUASH DEFENDANT CARDINAL HEALTH'S SUBPOENA TO TESTIFY  
AT A DEPOSITION IN A CIVIL ACTION**

COMES NOW Non-Party Bill J. Crouch, Cabinet Secretary for the West Virginia Department of Health & Human Resources, by counsel, Steven R. Compton, Deputy Attorney General, and hereby files this Motion to Quash a subpoena served upon him via email on May 19, 2020 by counsel for defendant Cardinal Health Inc. Secretary Crouch specifically moves to quash a "Subpoena to Testify at a Deposition in a Civil Action," attached hereto as **Exhibit A**. Exhibit A further commands the production of documents. The return date on Exhibit A is July 6, 2020. Counsel for Secretary Crouch and defendants conferred on June 2, 2020 to attempt to resolve their differences. Although

progress was made and parties have agreed to continue discussions, a resolution was not reached during that conversation and Secretary Crouch files this motion to preserve his objections.

Secretary Crouch seeks to quash Defendant Cardinal Health Inc.'s subpoena because it does not allow Secretary Crouch a reasonable time to comply. See Fed. R. Civ. P. 45(c)(3)(i). Additionally, the broad scope of the subpoenas would render compliance unduly burdensome. As it pertains to the subpoena for a deposition, Secretary Crouch additionally moves for a stay of the July 7, 2020 deposition. The West Virginia Department of Health and Human Resources and Secretary Crouch have been and continue to work daily with the Governor's office to formulate the state's response to the COVID-19 pandemic. Secretary Crouch's schedule during this time would make appearing at a deposition burdensome and unreasonable considering his role in the COVID-19 pandemic response.

In the alternative, Secretary Crouch moves this Court to modify the subpoenas in a manner that will expand the time for compliance to a period when the unprecedented pandemic-related office closures have ended. Secretary Crouch further requests modification that would limit the overly burdensome scope of the subpoenas.

Therefore, Secretary Crouch respectfully requests that his Motion to Quash the subpoena served upon him by Cardinal Health Inc. be granted. A proposed Order is attached.

DATED: June , 2020

Respectfully submitted,

BILL J. CROUCH  
CABINET SECRETARY  
WEST VIRGINIA DEPARTMENT OF  
HEALTH & HUMAN RESOURCES,

By Counsel,

PATRICK MORRISEY  
ATTORNEY GENERAL

/S/Steven R. Compton  
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**CERTIFICATE OF SERVICE**

I, Steven R. Compton, Deputy Attorney General, do hereby certify that on June 2, 2020 the foregoing “***NON-PARTY BILL J. CROUCH’S MOTION TO QUASH DEFENDANT CARDINAL HEALTH’S SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION***” was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participant:

David R. Pogue, Esq.  
Carey, Scott, Douglas & Kessler, PLLC

/S/Steven R. Compton  
STEVEN R. COMPTON  
DEPUTY ATTORNEY GENERAL